

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS F. KANE, SR.,
Plaintiff/Counterclaim Defendant,
v.

Civ. Action No. 08-4581 (KSH)

THE MANUFACTURERS LIFE
INSURANCE COMPANY,
Defendant/Counterclaim Plaintiff,
v.

ORDER

JUDITH KANE,
Additional Counterclaim Defendant.

KATHARINE S. HAYDEN, U.S.D.J.

This matter having come before the Court by way of a motion by defendant The Manufacturers Life Insurance Company (“Manulife”) to dismiss Counts III through VIII of the amended complaint filed by plaintiff Thomas F. Kane, Sr., (“Kane”) [D.E. 30], as well as the Ninth Affirmative Defense in Kane’s amended answer to Manulife’s counterclaims [D.E. 39]; and the Court having considered the parties’ arguments and written submissions; and for the reasons stated in the Court’s Opinion filed herewith,

IT IS on this 31st day of December, 2010,

ORDERED that Manulife’s motion [D.E. 69] is **granted**, and Counts III through VIII of Kane’s amended complaint [D.E. 30] and Kane’s Ninth Affirmative Defense [D.E. 39] are dismissed.

/s/ Katharine S. Hayden

December 31, 2010

Katharine S. Hayden, USDJ